

Hefner's last amendment to LB 273. Senator Higgins.

SENATOR HIGGINS: Don't I have my light on?

SENATOR MARSH: I'm sorry. Senator Hefner, you just spoke again. We'll have Senator Higgins and then we'll let you close.

SENATOR HIGGINS: Thank you, Madam Chairperson. Senators, I would just like to remind you all, my good friend Senator Cullan is not here today. But I recall him saying one day there is no bill that is worth anything if it doesn't have a penalty in it because what is there to enforce it. This merely sets it into law that the Health Department can revoke a license, and the Health Department will be the ultimate judge whether or not that nursing home actually deserves it. Section 4 says that they may promulgate rules and regulations. This is not necessarily rule and regulation, this is a revocation of the license. Any nursing home knowing that failure to give that training could give them a revocation of their license, because it's in the law, they are going to think twice about just the Department of Health's rules and regulations because for years they've been operating under rules and regulations and the nursing homes have been ignoring them. So I want to put this into the law for the sake of the Health Department because it is there as a reminder, a strong reminder, more than just a rule or a regulation, it's a statute that says if you fail consistently to train the people that are going to be caring for the frail elderly, live people, then we do have the power through law to revoke your license and we don't have to depend on those rules and regulations which, right up until today, have not been effective, or I would never have had to introduce the nursing home act, LB 235A. So I would urge the body to reject Senator Hefner's amendment, and keep this bill, like all bills are, where you want to enforce the law you have to have a penalty. Can you imagine the DWI law without a penalty? It would be ridiculous. So I urge you again, as you have been doing, to vote red on this amendment. Thank you, Senators.

SENATOR MARSH: Senator Hefner, you are now ready to close.

SENATOR HEFNER: Madam Chairperson, and members of the Legislature. I just rise briefly in my closing statement saying that the Department of Health does have the power now to assess penalties to those that do not follow the rules and regulations. So I don't think that we need to put it in another statute. Senator Higgins mentioned something about the DWI bill wouldn't be any good without penalties. This is perhaps true in that case. But in this case the Department of Health does have that power,